

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL JOHN MODENA,

Plaintiff,

Case No. 1:08-cv-887

v

HON. JANET T. NEFF

FEDERAL HOME LOAN
MORTGAGE CORP., et al.,

Defendants.

OPINION

Plaintiff initiated the present action seeking to challenge the foreclosure of the property in question. Defendant Federal Home Loan Mortgage Corp. removed the matter to this Court. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant Defendant Federal Home Loan Mortgage Corp.'s Motion to Dismiss and for Summary Judgment (Dkt 13); grant Defendant Duram's Motion to Dismiss (Dkt 8); and grant Defendant Trott & Trott, P.C.'s Motion to Dismiss (Dkt 14) for the reason that Plaintiff lacks standing. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Judgment pursuant to FED. R. CIV. P. 58.

Plaintiff's objections mirror his original complaint in that he claims a legal interest in the property in question while citing to various different "legal" authorities. Plaintiff presents no evidence that he possesses a legal or other legitimate interest in the subject property. As the Magistrate Judge noted, evidence submitted by the Defendants establishes that the property in question was purchased, and the mortgage executed, by Kimberly Leer alone. Neither Plaintiff's complaint nor his objections to the Report and Recommendation demonstrate otherwise. Absent any evidence demonstrating that Plaintiff has any legal interest in the property, the Magistrate Judge properly concluded that Plaintiff lacks standing to challenge the repossession of property purchased by Kimberly Leer in her individual capacity.

Judgment will be entered consistent with this Opinion.

Dated: March 23, 2009

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge

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JUDGMENT

In accordance with the Opinion entered this date:

IT IS HEREBY ORDERED that the Objections (Dkt 16) are DENIED and the Report and Recommendation (Dkt 15) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Defendant Duram's Motion to Dismiss (Dkt 8) is GRANTED; Defendant Federal Home Loan Mortgage Corp.'s Motion to Dismiss and for Summary Judgment (Dkt 13) is GRANTED; and Defendant Trott & Trott, P.C.'s Motion to Dismiss (Dkt 14) is GRANTED, and Judgment is entered against Plaintiff and in favor of Defendants.

IT IS FURTHER ORDERED that this Judgment resolves all pending claims in this case, and therefore, the action is TERMINATED.

Date: March 23, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge